

REMARKS

Reconsideration is requested.

Claims 1-44 have been canceled, without prejudice. Claims 45-50 have been added and are pending. No new matter has been added.

The Section 112, second paragraph, rejection of claims 39-44 is moot in view of the above. Claims 45 and 47 have been added to include the alternative option of the first lipase component being N-CPAT or C-CPAT, as originally-recited in the alternative in claim 39. Claim 39 is submitted to have been definite however for the Examiner's convenience the claim has been rewritten as new claims 45 and 47. Moreover, the recitation of being "capable of" in now-canceled claims 40-41 has been recited as the separate components "reconstituting to form" a third lipase component in new claims 45 and 47. The metes and bounds will be appreciated by one of ordinary skill in the art as the claims clearly provide a kit with two separate first and second lipase components which are able to, or capable of, reconstituting to form the recited third lipase component. The claims are submitted to be definite.

The Section 112, first paragraph, rejection of claims 39 and 44 is moot in view of the above. The pending claims are submitted to be supported by an enabling disclosure. Consideration of the following in this regard is requested.

The applicants submit that the administration of immunconjugates and liposomes (Tyle and Ram, 1990, Targeted Therapeutic Systems, page 128, Route of administration and page 133, respectively) is well known from the art available at the

time of the present invention and a person ordinarily skilled in the art would be able to use a suitable method for the application of a package containing liposomes and immunconjugates as claimed without an undue amount of experimentation.

Furthermore, the present patent application Serial No. 09/989,130 (page 7 first section) and the granted parent patent U.S. Patent No. 6,472,365 (in column 3, last section and column 4, first section) describes the application for treatment. The claims of U.S. Patent No. 6,472,365, which were determined by the Patent Office to be supported by an enabling disclosure provide "A method of releasing at least one pharmaceutical agent at site of a target comprising the steps (...)". In fact, the present Examiner allowed the claims of the parent application which one of ordinary skill will appreciate contemplates use of first and second lipase components, such as are recited in the present claims. The Examiner's current position is contrary to the same Examiner's position in the parent patent.

Persons of ordinary skill in the art are able to administer the claimed pharmaceutical composition by using standard methods found in the prior art as acknowledged by the current Examiner in the parent patent. The claims are submitted to be supported by an enabling disclosure.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

A response to the applicants' request of September 27, 2004, is also requested.

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Appl. No. 09/989,130
December 20, 2004

Respectfully submitted,

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